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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,426	10/15/2001	George E. Anderson	14023/120/101	5003

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EXAMINER

STINSON, FRANKIE L

ART UNIT PAPER NUMBER

1746

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/978,426

Applicant(s)

ANDERSON ET AL.

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-15 and 17-21 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karnofsky (U. S. Pat. No. 2,691,830) in view of either Hansotte or Kingsbaker Jr. et al.

Re claim 1, Karnofsky is cited disclosing an apparatus for removing a solvent from particulate material comprising: a feeding device (11, 12); a desolventizer (10) having an inlet (as at 11) attached to said feeding device and an outlet structure (17, 48, 49); a solvent stripping device (47) comprising a particulate treatment housing having a first end (left side) and a second end (right side) and a conveying means (50, 51) therein, a particulate inlet (49), an inert gas inlet (85, see col. 2, line 58 thru col. 3, lines 1-7), and a particulate outlet (53), said particulate inlet (49) located on said first end and connected to said desolventizer outlet; a recirculation means (61, 62, 63, 65, 66, 46, 85) constructed and arranged to remove solvent from said particulate treatment housing and recycle inert gas to be re-circulated into said particulate treatment housing; and a means connected between said outlet structure (49) of said desolventizer and said solvent stripping device, that differs from the claim only in the recitation of the sealing means with said sealing means being constructed and arranged to prevent the movement of un-entrained solvent from entering the solvent stripping device. The patents to Hansotte and Kingsbaker are each cited disclosing in a solvent stripping

device, the arrangement of providing a desolventizer (16 in Hansotte and 7 in Kingsbaker) which includes an outlet having sealing means (90, 92, 94 in Hansotte and 30 in Kingsbaker) constructed and arranged to prevent the movement of un-entrained solvent from entering a stripping device (56 in Hansotte and 33 in Kingsbaker). It therefore would have been obvious to one having ordinary skill in the art to modify the outlet of Karnofsky, to include sealing means as taught by either Hansotte of Kingsbaker, for the purpose of ensuring that all of the solvent is collected for removal. Re claim 2, although believed to be inherent in Karnofsky, Kingsbaker discloses the feeding device comprising an inlet and a reservoir (extractor see, col. 4, lines 1-5). As for the elongated-outlet slot, please note MPEP 2144.06, "SUBSTITUTING EQUIVALENTS KNOWN FOR THE SAME PURPOSE". The applied prior art obviously provides an outlet of some sort. To employ one as instantly claimed is deemed to be of no patentable significance. Re claim 3, Karnofsky discloses a recirculation means which is comprised of a solvent removal device (63) having a gas-solvent inlet (62), a solvent outlet (70), and a recycled inert gas outlet (65); said gas-solvent inlet and said recycled inert gas outlet being connected to said particulate treatment housing. Re claim 4, Karnofsky discloses the particulate outlet (55) and the inert gas inlet (85) located on the second end. Re claims 5 and 6, see MPEP 2144.06, as applied above, being applicable to the plug and shroud as claimed, and the corresponding sealing arrangement as taught by Karnofsky. Re claim 8, Karnofsky discloses the baffle structure (52).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 12, 15, 17, 18, 20 and 21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Karnofsky.

Re claim 12 for example, note that Karnofsky discloses a solvent stripping device for the stripping of solvent from particulate material comprising: a particulate treatment housing (47) having an interior, a first end (left side), a second end (right side), a particulate inlet (49), an inert gas inlet (45), at least one recirculation inlet (85), at least one recirculation outlet (62), and a particulate outlet (53); a recirculation means (as at 66) having at least one inlet and at least one outlet, each connected to said particulate treatment housing, being constructed and arranged to re-circulate inert gas into and out of said housing; a conveying means constructed and arranged within the interior of said housing; and a desolventizer (10) having an outlet (17) in communication with said particulate inlet of (49) said particulate treatment housing (47).

5. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karnofsky.

Claims 13 and 14 define over Karnofsky only in the recitation of the conveyor being a screw conveyor or a chain driven conveyor. Nonetheless, to employ one type of conveyor over another is of no patentable significance, see MPEP 244.06 as applied in paragraph 2 above.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karnofsky in view of O'Hara et al.

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Claim 19 defines over Karnofsky only in the recitation of the housing being sloped as claimed. O'Hara is cited disclosing in a solvent stripping device, the arrangement of providing a housing (74) being sloped as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Karnofsky, to be sloped as taught by O'Hara, for the purpose of allowing gravity to assist in conveying the particulate material through the housing,

7. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Wayne, Coats, Meyer, Leslie, Ramsey et al., Voetter et al., Kratochwill, Fox, Shenoi, Robak, Jr. et al., note the desolventizing means.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached M-F from 5:30 a.m. to 2:00 p.m. and some Saturdays from 5:30 a.m. to 11:30 a.m.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to TECHNOLOGY CENTER 1700 (571) 272-1700.

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Any inquiry for missing parts of this Office Action (copies of references, pages, forms etc.), contact the TEAM LEADER Ms. Nicol Scott (571) 272-1045.

fls



FRANKIE L. STINSON
Primary Examiner
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